

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ROBERT SAMPSON,

Plaintiff

V.

STONY BROOK UNIVERSITY, *et al.*

Defendants.

[illegible]

CIVIL ACTION NO. 22-cv-04490 JMA

DECLARATION OF ROBERT SAMPSON

I, Robert Sampson, make the following declaration upon personal knowledge:

1. I am a joint MD/MBA student and have paid tuition, taken and passed all courses, and otherwise been and remain a student in good standing jointly at Stony Brook University's School of Medicine and its School of Business.
2. I developed and received two patents for medical systems. Accordingly, a Master of Business Administration program and degree offer benefits for my skill set.
3. When I decided to pursue a joint degree at Stony Brook University, my first step was to review all of Stony Brook's policies that were available online to determine if it was possible for me to pursue a joint MD/MBA and if so, what the proper steps for me to take were to pursue such a joint degree program.
4. Because there was not much information about the MD/MBA program online, I contacted Dr. Cohen who is the Associate Dean of Student Affairs at the School of Medicine to find out what I needed to do to become a joint degree student.
5. On April 29, 2021, I emailed Dr. Cohen and let him know of my interest in becoming a joint degree student. I wrote, "there wasn't much information on any Stony Brook website about the program" and inquired "Given the extra time that is in my curriculum,

do you think it's possible that I can fit in an MD/MBA program at Stony Brook." A true and correct copy of this email chain is attached as Exhibit 1-A.

6. Dr. Cohen responded, "That's an interesting thought. I'll look into it and see what the requirements are. I think the timing will be tight though given that you have to finish all of Phase 2 before starting Phase 3. In any case, lets [sic] set up another meeting to talk about this and go over your plans for next year." Ex. 1-A.
7. I sought greater clarification and asked Dr. Cohen, "Is there an advisor I can speak to about the program to see if it fits? I really couldn't find any information online about who is in charge of this program, especially from the MD side. It could be a good option given my business and entrepreneurial experience. I think having more information about this would help me have a more informed discussion with you about scheduling, but I can meet whenever it is convenient for you." Ex. 1-A.
8. I met with Dr. Cohen to discuss, among other things, becoming a joint MD/MBA student. He indicated during that meeting that he would provide contact information for the person I should reach out to at the business school. Thereafter in a May 14, 2021, email Dr. Cohen provided me with the name of the contact at the business school that he had promised. I followed up as directed and spoke with the contact at the business school.
9. Based on these conversations with Dr. Cohen at the medical school and the contact he provided at the business school, I decided to apply to become a joint degree student. Notably, unlike a student applying to the College of Business who would be required to submit a personal statement, resume and application fee, as a prospective joint MD/MBA student I was not required to do any of these things. Instead, the medical school only needed to forward my medical school application materials to the business school.

10. I again emailed Dr. Cohen and informed him, “I would like to submit an application today to the school of business regarding the conversation I had with them last week. Do you have 5 minutes to speak today? I have a question I would like to ask you before I do that.” Dr. Cohen responded, “Sure – Let me know when you have time.” Thereafter we spoke again about my intent to apply to become a joint MD/MBA student. The express purpose of such communications from my perspective was to ensure I was doing everything the medical school needed me to do to become a joint degree student. Ex. 1-B, Email Chain between Dr. Cohen and Robert Sampson dated May 17, 2021.
11. Thereafter, based on my discussions with Dr. Cohen, I sent him an email on May 17, 2021, titled “MD/MBA discussion” in which I requested that he direct the School of Medicine’s registrar, Caroline Lazzaruolo, “forward the admissions materials used to apply to medical school (i.e. AMCAS, letters of recommendation) to Joyce Gibson at the Stony Brook University College of Business, for consideration for the MBA program.” Ex. 1-B.
12. In response, Dr. Cohen emailed Ms. Lazzaruolo asking, “Is this something we can do for him?” Ex. 1-B.
13. Ms. Lazzaruolo then forwarded the question to Jeanine Fazzini in the Office of Student Affairs in the School of Medicine. Ms. Fazzini responded to Dr. Cohen, Ms. Lazzaruolo, and myself, “The file has been sent.” Ex. 1-B.
14. I was accepted into the MD/MBA program and was permitted to enroll and take classes which overlapped with my medical school clinical rotations and a medical school elective.

15. At no time did Dr. Cohen or anyone else tell me I needed to take a leave of absence in order to pursue a joint degree.
16. I have maintained my status as a student in good standing in both the MD and MBA programs at Stony Brook University and have maintained a 4.0 GPA in the business school. See Ex. 1 ¶ 3 ([Dckt. 3-2])
17. The medical school has been highly inconsistent in their communications with me about graduation dates.
18. In June 2020, the CAPP Committee recommended I be dismissed from medical school because I could not at that time complete my medical degree in seven years. [Dckt. 14-9]
19. I appealed this decision and the Dean of the medical school reversed the decision that had kept me in limbo for years and allowed me to proceed with my medical education at a time when the medical school had explicitly stated it was not possible for me to complete my degree in 7 years. The medical school made contradictory statements telling me that the decision of the CAPP committee was reversed but also still mentioned the 7 year requirement. I repeatedly sought clarification of this point. I repeatedly went to Dr. Cohen to seek clarity. I was doing everything asked of me in terms of classes, I was a student in good standing, I was paying tuition, and I was, of course, a joint degree student.
20. The Dean of the medical school reversed the CAPP committee decision that I be dismissed and allowed me to continue with my education and paying tuition.
21. When I continued to get mixed messages from the medical school which had reversed my dismissal and was allowing me to continue towards my medical degree, I sought clarification from the Dean. In July 2021, I drafted an email to the medical school Dean

in regards to this issue. One challenge is that the leadership of the medical school has continued to change over time so the new leadership was not necessarily aware of the history of my situation. In this email I explained the issues relating to my learning disabilities and how my need for accommodations from the NBME was critical. In his Declaration, Stony Brook University omits that in response to my email to Dr. Cohen noting that I was already into the third week of my joint MD/MBA class, Dr. Cohen responded, “Thanks for keeping me in the loop. I think your email is perfect. Let me know if you hear anything.” Exhibit 1-C, Email chain between Dr. Cohen and Robert Sampson dated July 2021. Dr. Cohen did not state in response to my indication that I was already taking business school classes that I needed to take a leave of absence.

22. In meetings with me, Dr. Cohen at times referenced a graduation date of December 2022 or May 2023 both of which were of course after the expiration of the 7 year requirement and inconsistent with letters from Stony Brook’s counsel that came later and which moved my graduation date earlier, requiring I complete my medical degree by August 2022. Exhibit 1-D, Email between Dr. Cohen and Sampson dated May 11, 2021.
23. In addition to many verbal discussions with Dr. Cohen, I had explicit discussions with the registrar for the medical school who is responsible for tracking and certifying medical student graduation dates, about when I would graduate. She specifically discussed with me the possibility of graduating in December 2022 by email or May 2023 verbally. Exhibit 1-E, Email between Lazzaruolo dated December 15, 2020. There was an explicit discussion that May 2023 would allow me to proceed to residency match with my class, rather than being off-cycle, and there was discussion of my continued challenges in getting necessary accommodations from the NBME.

24. Based on multiple discussions with the medical school about graduating in December 2022 or May 2023, I put May 2023 on the certification form as my graduation date. The registrar was fully aware of the confusion about graduation dates and signed the form certifying that my graduation date was May 2023.
25. Stony Brook University took my tuition dollars for both programs and awarded me credits for successful completion of coursework in both programs.
26. The last thing I ever wanted to do was sue my university and the National Board of Medical Examiners. My university will write the recommendations for my residency applications. Litigation is not only adversarial in a way I had hoped to avoid, it is expensive and it forces me to be public about my disabilities and the most challenging experiences of my life in a way that may count against me going forward with residency programs and employers. I filed suit only when every other effort to avoid suit had failed because there was no alternative.

I declare under penalties of perjury that the foregoing is true and correct.

DATED: September 23, 2022



Robert Sampson

EXHIBIT 1-A

Re: Combined Degree MD/MBA Question

Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Thu 4/29/2021 9:59 AM

To: Cohen, David <David.Cohen@stonybrookmedicine.edu>

Hi Dr. Cohen,

Is there an advisor I can speak to about the program to see if it fits? I really couldn't find any information online about who is in charge of this program, especially from the MD side. It could be a good option given my business and entrepreneurial experience. I think having more information about this would help me have a more informed discussion with you about scheduling, but I can meet whenever it is convenient for you.

Best,

Robert

On Apr 29, 2021, 8:37 AM -0400, Cohen, David <David.Cohen@stonybrookmedicine.edu>, wrote:

Hi Robert,

That's an interesting thought. I'll look into it and see what the requirements are. I think the timing will be tight though given that you have to finish all of phase 2 before starting phase 3. In any case, let's set up another meeting to talk about this and go over your plans for next year.

Best,
DC

David Cohen, MD
Associate Dean of Student Affairs
Associate Professor of Emergency Medicine
Renaissance School of Medicine at Stony Brook University
(631) 624-7109

On Apr 29, 2021, at 12:14 AM, Sampson, Robert
<Robert.Sampson@stonybrookmedicine.edu> wrote:

Dear Dr. Cohen,

Given the extra time that is in my curriculum, do you think it's possible that I can fit in an MD/MBA program at Stony Brook? I read that the MBA component was an extra 48 credits, but that 6 are co-mingled with the SOM. They also accept some transfer credits, and I'm wondering if any courses from the school of medicine, and perhaps my business experience would count towards that credit requirement. Please let me know what you think; there wasn't that much information on any Stony Brook website about the program. How many months do 48 credits generally take?

Best,

Robert

EXHIBIT 1- B

Re: MBA

Cohen, David <David.Cohen@stonybrookmedicine.edu>

Mon 5/17/2021 8:50 AM

To: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Hi Robert,

Hope you are doing well!

Sure - let me know when you have time. I will be in the CSC w/ students throughout the day.

Best,
DC

David Cohen, MD
Associate Dean of Student Affairs
Associate Professor of Emergency Medicine
Renaissance School of Medicine at Stony Brook University

From: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>
Sent: Monday, May 17, 2021 7:22 AM
To: Cohen, David <David.Cohen@stonybrookmedicine.edu>
Subject: MBA

Dear Dr. Cohen,

I hope you enjoyed your weekend. I would like to submit an application today to the college of business regarding the conversation I had last week with them. Do you have 5 minutes to speak today; I have a question I would like to ask you before I do that.

Best,

Robert

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From: Fazzini, Jeanine C. Jeanine.Fazzini@stonybrookmedicine.edu
Subject: RE: MD/MBA discussion
Date: May 18, 2021 at 3:03 PM
To: Lazzaruolo, Caroline R. Caroline.Lazzaruolo@stonybrookmedicine.edu
Cc: Cohen, David David.Cohen@stonybrookmedicine.edu, Sampson, Robert Robert.Sampson@stonybrookmedicine.edu

JF

The file has been sent.

Thank you.

Jeanine



Renaissance School of Medicine
Stony Brook University

Jeanine Fazzini
Office of Student Affairs
School of Medicine, HSC, Level 4, Room 147
Stony Brook University Medical Center
Stony Brook, New York 11794-8432
Phone: 631-444-9547
Fax: 631-444-9376

Email: Jeanine.Fazzini@stonybrookmedicine.edu

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From: Lazzaruolo, Caroline R.
Sent: Tuesday, May 18, 2021 11:58 AM
To: Fazzini, Jeanine C. <Jeanine.Fazzini@stonybrookmedicine.edu>
Subject: FW: MD/MBA discussion

Caroline



Renaissance School of Medicine
Stony Brook University

Caroline R. Lazzaruolo
Registrar, Renaissance School of Medicine
Health Sciences Center, Level 4, Room 149
Stony Brook, New York 11794-8432
Phone 631-444-9547
Fax 631-444-9376
Email caroline.lazzaruolo@stonybrookmedicine.edu
SOM Office of Student Affairs Mailbox: RSOM.studentaffairs@stonybrookmedicine.edu

From: Cohen, David
Sent: Tuesday, May 18, 2021 11:57 AM
To: Lazzaruolo, Caroline R. <Caroline.Lazzaruolo@stonybrookmedicine.edu>
Subject: Fwd: MD/MBA discussion

Hi Caroline,

See below..... is this something we can do for him?

Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Sampson, Robert" <Robert.Sampson@stonybrookmedicine.edu>
Date: May 17, 2021 at 10:05:54 PM EDT
To: "Cohen, David" <David.Cohen@stonybrookmedicine.edu>
Subject: MD/MBA discussion

Dear Dr. Cohen,

As per our discussion, please have Caroline forward the admissions materials used to apply to medical school (i.e. AMCAS, letters of recommendation) to Joyce Gibson at the Stony Brook University College of Business, for consideration for the MBA program. She is the recruitment advisor at the College of Business for the MBA program.

As the application must be received very soon for consideration, at your earliest convenience, please have my admissions materials emailed to Ms. Gibson at cobgraduate@stonybrook.edu

Best,

Robert Sampson

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EXHIBIT 1- C

From: Cohen, David David.Cohen@stonybrookmedicine.edu
Subject: Re: MBA
Date: July 19, 2021 at 9:30 AM
To: Sampson, Robert Robert.Sampson@stonybrookmedicine.edu

DC

Hi Robert,

Thanks for keeping me in the loop. I think your email is perfect.
I will let you know if I hear anything.

Best,
DC

David Cohen, MD
Associate Dean of Student Affairs
Associate Professor of Emergency Medicine
Renaissance School of Medicine at Stony Brook University

From: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>
Sent: Sunday, July 18, 2021 11:37 PM
To: Cohen, David <David.Cohen@stonybrookmedicine.edu>
Subject: Re: MBA

Dear Dr. Cohen,

I hope you had a good weekend. I already sent the Dean this letter tonight (see below), but I thought you should see it too.

-Robert

Dear Dean Wertheim,

I want to thank you again for taking the time to consider my request. As an update, last Friday I recently completed my transitional pillar on lipid metabolism, and I am entering the third week of my MBA and doing well.

As you are aware, my academic record has had some red flags beginning with the last months of Phase 1 of my basic science curriculum. Unfortunately, I came to a delayed awareness of my learning disability and how academically important the receiving of testing accommodations was to exhibiting my proficiency in Step examinations. I was inaccurately labeled as having academic marginality due to a lack of knowledge, but in reality, I just couldn't read through the test fast enough to finish the exam under standard testing

conditions. Due to receiving these accommodations, I would definitely attempt to complete

conditions. Prior to receiving these accommodations, I would routinely struggle to complete the Step exams, basically guessing on a large swath of the exam because time ran out. The hard evidence for this truth is that since receiving testing accommodations, I have passed every Step exam I have received accommodations.

Despite a 3 ½ year hiatus from medical school limbo, I have desperately tried to overcome all the obstacles and I think I have thrived clinically throughout my 3rd year clerkships. This hardened experience has further solidified my desire to be the best doctor I can be no matter how many hoops I have to jump through.

My perseverance to overcome my learning disability is still in need of getting testing accommodations from the NBME and I feel this is critical. I may not be sight-impaired to be considered blind by Snellen chart standards, but, nonetheless, my reading disability is real and needs to be accommodated.

I cannot overstate how important your decision is to make the next chapter of my life a success in medicine. I need your blessing to gain fair access to the same Step exams as my current Class of '23, during the winter of 2022.

Sincerely,

Robert

From: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Sent: Thursday, July 15, 2021 12:34 PM

To: Cohen, David <David.Cohen@stonybrookmedicine.edu>

Subject: Re: MBA

Dear Dr. Cohen,

I wanted to share this publication with you in response to your question the other day regarding getting accommodations from the NBME. It is a bulletin to provide guidance put out by the DOJ I think you might find informative.

Best,

Robert

From: Cohen, David <David.Cohen@stonybrookmedicine.edu>

Sent: Thursday, July 1, 2021 8:07 AM

To: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Subject: Re: MBA

Around 1p could work - have a class in the csc - stop by if your around.

David Cohen, MD
Associate Dean of Student Affairs

EXHIBIT 1- D

Re: CPX Exam - Thursday, June 24th

Cohen, David <David.Cohen@stonybrookmedicine.edu>

Tue 5/11/2021 9:21 AM

To: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Hi Robert,

It was nice talking with you yesterday. It's ok if you want to postpone your CPX exam until the Spring of 2022 - let me know.

Also, in regards to your class year, since you will be graduating in Dec of 2022 you will stay registered in the 2022 class.

Best,
DC

David Cohen, MD
Associate Dean of Student Affairs
Associate Professor of Emergency Medicine
Renaissance School of Medicine at Stony Brook University

From: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>
Sent: Monday, May 10, 2021 3:27 PM
To: Cohen, David <David.Cohen@stonybrookmedicine.edu>
Subject: Fwd: CPX Exam - Thursday, June 24th

Dear Dr. Cohen,

I'm not sure why I'm getting a CPX exam before my clerkships are over, is this normal? I don't even have my pediatric rotation schedule yet.

Also, did you get a chance to look into the mba option?

Best,

Robert

----- Forwarded message -----

From: Baldelli, Perrilynn <Perrilynn.Baldelli@stonybrookmedicine.edu>
Date: May 10, 2021, 3:13 PM -0400
To: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>
Subject: CPX Exam - Thursday, June 24th

Dear Robert,

I have been notified that you will be completing your last clerkship (Pediatrics) from 5/30/21 to 7/11/2021. Therefore, I have scheduled you to complete the CPX exam on Thursday, June 24th. You will be provided with extra time for the post encounter activities. In order to accommodate this extra time, I will ask you to arrive at the CSC at 9:45 am that day. You should be done by 2:30 pm. You will be excused from your clerkship responsibilities for the day.

EXHIBIT 1- E

RE: Phase II calendar - Class of 2022 (compressed COVID)

Lazzaruolo, Caroline R. <Caroline.Lazzaruolo@stonybrookmedicine.edu>

Tue 12/15/2020 5:38 PM

To: Sampson, Robert <Robert.Sampson@stonybrookmedicine.edu>

Robert,

After clerkships, you have up to 8 weeks to take Step 1, and then proceed to Phase III. Being a May 2022 graduate isn't advisable because you wouldn't have appropriate time to study for your Step exams. **December 2022** would be the better option.

After your Phase III required courses are scheduled (Sub-I, ACE, TTR), you'll be better able to choose when you'd like to take Step 2 CK. Four weeks study time should be appropriate for Step 2 CK.

The pillars are a requirement for graduation. If you aren't able to take them when the time comes, you'll be required to make up the time in extra elective weeks.

Because you'll still be in clerkships during the April 2021 Selective month, you'll be required to take the Selective in April 2022 when they're offered next.

I hope this helps. I hope you're enjoying your Acute Care Block.

If you have any questions, just let me know.

Caroline



Renaissance School of Medicine
Stony Brook University